

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE:

August 14, 2014

AGENDA DATE:

August 20, 2014

PROJECT ADDRESS: 15 Rubio Road (MST2014-00302)

TO:

Susan Reardon, Senior Planner, Staff Hearing Officer

FROM:

Planning Division, (805) 564-5470

Danny Kato, Senior Planner Dy Jo Anne La Conte, Assistant Planner

I. PROJECT DESCRIPTION

The 7,477 square-foot site is currently developed with a 2,499 square foot, two-story residence and a detached 342 square foot, two-car garage, located in the Hillside Design District. The proposed project involves permitting an "as-built" upper-level deck and exterior alterations consisting of window and door changes and a new flagstone landing with steps. The project will address violations identified in the Zoning Information Report (ZIR2014-00129).

The discretionary applications required for this project are:

- 1. Front Setback Modification to allow the deck to be located within the required twentyfive-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
- 2. Interior Setback Modification to allow the deck to be located within the required tenfoot interior setback (SBMC § 28.15.060 and SMBC §28.92.110).

Date Application Accepted: July 14, 2014

Date Action Required: October 12, 2014

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to a condition.

III. SITE INFORMATION AND PROJECT STATISTICS

A. **SITE INFORMATION**

Applicant:

Amy Taylor

Property Owner: Elizabeth Stegall

Parcel Number: 029-341-014

Lot Area:

7,477 sq. ft.

General Plan:

Low Density Residential

Zoning:

E-1

Existing Use:

Residential

Topography:

21% slope

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Adjacent Land Uses:

North – Residential

East - Residential

South - Residential

West - Residential

B. PROPOSED LOT AREA COVERAGE

Building: 2,099 sf 28.1% Hardscape: 1,472 sf 19.7% Landscape: 3,906 sf 52.2%

IV. <u>BACKGROUND</u>

A Zoning Information Report (ZIR) prepared in 2014 identified several zoning violations, including an illegal deck at the front of the residence. Prior ZIR's from 2004 and 2007 did not note that the deck was unpermitted or located in the required setbacks. The applicant is proposing to correct all of the violations outlined in the 2014 ZIR as part of this project.

The project was reviewed by the Single Family Design Board (SFDB) on July 14, 2014 and was forwarded to the Staff Hearing Officer with positive comments.

V. <u>DISCUSSION</u>

The project site is currently developed with a single family residence and a detached two-car garage. The proposed project includes permitting an "as-built" upper-level deck that is located in the required 25-foot front and the required 10-foot interior setbacks. A Front Setback Modification is requested to allow the deck to encroach into the required front setback by approximately 3½ feet, and an Interior Setback Modification is requested to allow the deck to encroach into the interior setback by approximately 1½ feet.

Front Setback Modification

The property is zoned E-1 which has a required 30-foot front setback. However, this property qualifies for a five-foot setback reduction, as the average slope of the front half of the lot has a slope of greater than 20%. There is a wall and hedge along the public right-of-way. In addition, there is a public pathway, approximately six feet wide, between the subject property and the adjacent neighbor to the east. The deck is not visible from the street due to existing hedges in the public right-of-way. Staff acknowledges the narrowness of the cul-de-sac street, unimproved right-of-way, and neighborhood pattern of development (at least two of the neighboring properties, 16 and 27 Rubio Rd., have been granted Modifications for front setback reductions) and the recognized site constraints working with an existing building footprint on a 7,477 square foot lot with an overall slope of 21%. Staff understands that the deck allows the front yard to be utilized as outdoor living space for enjoying the property's city and ocean views.

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Interior Setback Modification

The deck is obstructed from view to the adjacent neighbors as the deck is surrounded by vegetation on all four sides. Including the six-foot wide public pathway between properties, the deck is located approximately 14.5 feet from the adjacent neighbor property line to the east.

Staff supports the requested modifications because the deck is an appropriate improvement for a single-family residence, and is not anticipated to adversely impact the adjacent neighbors or the visual openness of the street frontage, and it is consistent with the pattern of development in the neighborhood.

Environmental Review

The project site is located within an area mapped as the Early 20th Century Archaeological (1900-1920) sensitivity area. A prior archaeological letter report prepared for a property in the vicinity, confirmed the absence of archaeological resources. However, per the Zoning Ordinance, permits to perform grading within an area of known or probable archaeological or paleontological significance may be conditioned in such a manner as to allow reasonable time for qualified professionals to perform archaeological or paleontological investigations at the site. Therefore, staff recommends that the standard unanticipated archaeological discovery condition shall be reproduced on the plans prior to submittal for building permit.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot, because the deck is not anticipated to adversely impact the adjacent neighbors or the visual openness of public street frontage, as discussed in Section V of the staff report.

The Staff Hearing Officer finds that the interior setback Modification at the east side of the property is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot, because the deck is not anticipated to adversely impact the adjacent neighbors, as discussed in Section V of the staff report.

Said approval is subject to the following condition:

The following language shall be added to the plans submitted for building permit:

"Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management

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recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization."

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 16, 2014
- C. SFDB Minutes dated July 14, 2014

Contact/Case Planner: Jo Anne La Conte, Assistant Planner (jlaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564 5470 x 2320

Phone: (805) 564-5470 x3320

July 16, 2014

Staff Hearing Officer City of Santa Barbara PO Box 1990 Santa Barbara, CA 93102-1990 JUL 1 4 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modification Request for 15 Rubio Road, APN 029-341-014; Land Use Zone E-1

Dear Staff Hearing Officer:

Thank you for considering our request for modifications at the above referenced parcel.

Existing Property and Proposed Project

Currently, two structures exist on the property: a two-story house (2,814 sf net) and a detached, two-car garage (3) sf net). Original development on the property in 1926, included a stoop at the kitchen door, which encroaches in the east side setback. The original garage encroaches in the front setback and west side setback. At the front of the house, an existing deck at the upper story (undocumented in permit records) encroaches in the front setback and in an interior yard setback.

The proposed project is to improve the deck as needed to comply with building code requirements. At the east side of the house, a new exterior door and landing are proposed as part of the project. A separate application has been submitted for an interior remodel under BLD2014-01311.

Modification Being Requested

The modifications being requested are to allow the continued use of the front deck that encroaches approximately one-and-one-half feet into the required ten-foot interior yard setback at the east side of the property and that encroaches approximately three-and-one-half feet into the required twenty-five-foot front yard setback (reduced five feet for slope greater than twenty percent from the required thirty-foot setback) (SBMC §28.15.060). In keeping with similar conditions at other properties along Rubio Road, the encroachments will allow the continued use of a modest outdoor area

directly connected to the main living space via the breakfast/kitchen area, that otherwise has difficult access to the outdoors.

Benefit

Granting the interior setback modification request and the front setback modification request will allow the property owner to enjoy the continued use of a modest, existing deck that provides outdoor living space directly connected to the main living space. The existing deck provides an amenity similar to other nearby properties along Rubio Road, all of which are somewhat constrained by topography and access.

Conclusion

The requested modifications are in keeping with other nearby development. Since the existing deck and the minor exterior improvements proposed at the existing property will not adversely affect the character of the neighborhood, we ask that you approve these modification requests to allow the continued use of a pleasant amenity.

Please let me know if you have any questions or comments about the information provided. We look forward to a positive outcome of our request for modifications for the proposed project.

Sincerely,

Amy Taylor

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NEW ITEM

C. 15 RUBIO RD

E-1 Zone

Assessor's Parcel Number:

029-341-014

Application Number:

MST2014-00302

Owner:

Elizabeth Stegall

Architect:

Amy Taylor

(Proposal to permit an "as-built" upper-level wood deck in the front and side yards of an existing 2,799 square foot two-story house on a 7,477 square foot lot in the Hillside Design District. Also included are a minor window and door alteration, and new flagstone landing and steps. The project will address violations identified in Zoning Information Report ZIR2014-00129. The project also includes Staff Hearing Officer review for requested zoning modifications.)

(Comments only; project requires Staff Hearing Officer review for requested zoning modifications.)

Continued to Staff Hearing Officer to return to Consent with the following comments:

- 1) The Board finds the encroachment of the as-built deck aesthetically appropriate and consistent with the design guidelines.
- 2) The Board suggests use of heavier sandstone rock on the columns supporting the deck.